



219.40853X00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael D. HAINES
Serial No.: 10/024,724
Filing Date: December 21, 2001
For: METHOD AND APPARATUS FOR INCREASING THE
IMMUNITY OF NEW GENERATION MICROPROCESSORS
FROM ESD EVENTS
Art Unit: 2826
Examiner: Alexander O. Williams

#10
Election
Jimmie Miller
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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

June 13, 2003

Sir:

Restriction was required in the outstanding Office Action mailed May 21, 2003 in the above-identified application between the assembly for packaging and cooling a microprocessor of Group I to which claims 1-12 and 22-28 are drawn, and the method of Group II for increasing the immunity of a microprocessor from ESD events with a gasket to which claims 13-21, 29 and 30 are allegedly directed. This requirement for restriction is hereby traversed and reconsideration thereof is respectfully requested.

Applicant respectfully submits that claims 13-21 are improperly grouped with the Group II invention. Claims 13-21 are not directed to a method for increasing the immunity of a microprocessor from ESD events with a gasket. Rather, these claims are directed to an apparatus for increasing the immunity of a microprocessor from electrostatic discharge events. Claims 29 and 30 are directed to a method for

increasing the immunity of a microprocessor from electrostatic discharge events. Claims 1-28 are drawn to products made by the method of the invention. Thus, the inventions of Groups I and II are not related as product and process of use as alleged in the outstanding Office Action. Rather, claims 1-28 are drawn to products and claims 29 and 30 of Group II are directed to the process of making these products.

It was further alleged in the Office Action that restriction is proper in accordance with MPEP §806.05(h) in this case. Again, Applicant respectfully submits that the appropriate standard to be applied in the present case for purposes of restriction is that set forth in MPEP §806.05(f) the process of making and product made - distinctness. As stated in MPEP §806.05(f), restriction between a process of making (claims 29 and 30) and a product made by the process (claims 1-28) is proper if distinctness can be shown by showing either or both of the following: (A) that the process as claimed is not an obvious process of making the product and the process as claimed can be used to make other and different products; or (B) that the product as claimed can be made by another and materially different process. It is respectfully submitted that no such showing has been made in the outstanding Office Action to support the restriction requirement.

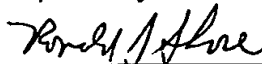
It is alleged in the Office Action as basis for the restriction requirement that surrounding the microprocessor with a gasket formed of lossy, static dissipative material having a volume resistivity of greater than 10^2 ohm cm (recited in Group II claim 29) is not required in that it can be performed with a volume resistivity less than 10^2 ohm cm (presumably for the product of Group I). Responsive to this, it is respectfully noted that the inventions of both Groups I and II each recite that the

lossy material of the gasket is a static dissipative material having a volume resistivity of greater than 10^2 ohm cm, see claims 5, 9, 14, 18, 24 (Group I) and 29 (Group II). Therefore, it is respectfully submitted that there has been no showing that the product as claimed of Group I can be made by a materially different process than that of Group II as required by MPEP §806.05(f). In addition, it is respectfully submitted that the inventions of Groups I and II are of similar scope such that the prior art searches for each would be the same or substantially overlapping so as not to place a burden on the P.T.O. by acting on both groups in the present application. For at least these reasons, reconsideration and withdrawal of the restriction requirement is requested.

In order to be fully responsive to the Office Action, Applicant hereby provisionally elects for further prosecution on the merits the invention of Group I which, as noted above, should properly include claims 1-28 which are each directed to products made by the method of Group II. An early action on the merits is requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (Case No. 219.40853X00) and please credit any excess fees to such deposit account.

Respectfully submitted,



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RJS/kmh